

Serial No. 09/812,092

Remarks

In the March 8, 2005, Office Action, the Examiner rejected claims 1-4, 6-9, 11-18, 20, 22, 24-33, 44-50, 52, and 53, and objected to claims 34-40 and 42. Claims 54-63 were indicated as allowable.

The Examiner stated in the Office Action that the Office Action was responsive to a communication filed on December 16, 2004. Applicants note that the communication filed by Applicants on December 16, 2004, was a status inquiry (following up on a June 16, 2004, status inquiry filed by the Applicants). The status inquiries were filed due to the fact that Applicants had not received any form of response to the most recently filed Amendment and Response, which was filed on July 10, 2003. Applicants presume that the present Office Action is responsive to the Amendment and Response that was filed on July 10, 2003. Applicants further note the significant lapse in time between the filing of the most recent Amendment and Response and the mailing of the present Office Action – nearly 1 year and 8 months. This significant lapse in time is not apparent from the December 16, 2004 date indicated in the present Office Action.

Applicants also note that the present Office Action is a Final Office Action. However, the present Office Action includes impermissible “blanket rejections” lacking detailed analysis required by the MPEP. These blanket rejections impose an unreasonable burden on Applicants in preparing their arguments and Appeal Brief for appeal.

MPEP 707.07, which recites 37 CFR 1.104(b), requires Office Actions to be “complete as to all matters.” This requirement of completeness is discussed further in MPEP 707.07(d), which states that “the ground of rejection [should be] fully and clearly stated.” MPEP 707.07(d) further states that omnibus rejections are “stereotyped and usually not informative and should therefore be avoided.” Applicants submit that the rejections in the present Office Action constitute such impermissible blanket or omnibus rejections. In particular, with respect to the rejections under 35 USC §102, the Examiner failed to indicate within the cited reference (Laurash et al.) where each and every element and limitation recited in the pending claims is disclosed. Instead, in an apparent attempt

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to take a "shortcut," the Examiner simply notes "[s]ome of the claimed elements clearly disclosed by the reference." (emphasis added). No explanation is provided as to why only a select few elements of the 27 claims were explicitly addressed in the anticipation rejection. Apparently the other elements of the 27 are not clearly disclosed by the reference (and thus the reason for this request for the Examiner to supplement the current Office Action to clarify where the elements of the claims are found in the cited prior art). There is no citation to a passage in Laurash et al. where the remaining claim elements may be found. The rejections under 35 USC §103 suffer from the same defect. The Office Action is thus incomplete due to its failure to clearly state the alleged factual basis for the rejection, in contravention of MPEP 707.07 and 37 CFR 1.104(b). While Applicants recognize that there is significant backlog in the workload for U.S. Patent Examiners, Applicants submit that 1 year and 8 months provided more than adequate time for the Examiner to issue a clear and complete Office Action in the present case.

During a telephone call today with the undersigned, the Examiner asserted that simplicity of the claimed invention made it unnecessary for the Examiner to point out specifically where each and every element of the claims is anticipated or rendered obvious by USP 5,413,838 to Laurash. It is apparent that the Office Action's lack of detail leaves the Applicant to speculate as to on what prior art elements the Examiner is relying to base the rejection. For example, claim 1 recites a "certified mailer" having, inter alia, a "return receipt card". A return receipt card is a well known structure, in the context of a certified mailer, defined by the United States Postal Service. Yet, nowhere in the Laurash reference is there any mention of a "return receipt card" or a "certified mailer". Applicants are left to speculate what possible description or drawing of Laurash is read by the Examiner to constitute a return receipt card or a certified mailer.

Applicants further note that MPEP 1206 requires an Appeal Brief to be responsive to every ground of rejection stated by the Examiner. Because Applicants intend to file an appeal in the present case, Applicants will thus be bound by MPEP 1206 to respond to every ground of rejection stated by the Examiner. However, as discussed above, the grounds of rejection in the present Office Action are woefully incomplete and unclear. Because of these shortcomings of the present Office Action, there will be an

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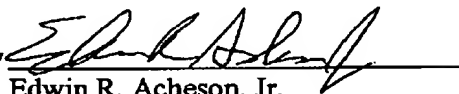
unreasonable burden on the Applicants to observe their duties under MPEP 1206 to prepare an Appeal Brief that is responsive to every ground of rejection stated by the Examiner. In short, because the Office Action is so unclear and so incomplete as to the basis for the present rejections, Applicants are unsure as to what their upcoming Appeal Brief needs to be responsive.

Accordingly, Applicants request the Examiner to supplement his Office Action by clearly and completely stating how and where Laurash discloses, teaches or suggests the many limitations found in the rejected claims, so that the Applicants can prepare an Appeal Brief without undue, unreasonable burden.

Respectfully submitted,

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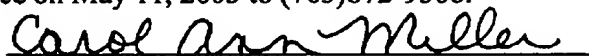

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